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PTO/SB/26 (09-04)  
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**  
(Period of disclaimer to be completed by Petitions Examiner)

Docket Number (Optional)  
**ZAHFRI P441USD1**

In re Application of: **Markus HENNEKEN, Friedemann JAUCH, Kai-Uwe HERBSTER, Franz-Josef SCHULER and Thomas MAUZ**

Application No.: **10/782,046**

Filed: **February 19, 2004**

For: **KICK-DOWN SWITCHING SPEED OPTIMIZATION FOR AN AUTOMATIC TRANSMISSION OF A MOTOR VEHICLE**

The owner, ZF Friedrichshafen AG, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,773,373 as the term of said prior patent is defined in 35 U.S.C. § 154 and § 173, and as the said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and § 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

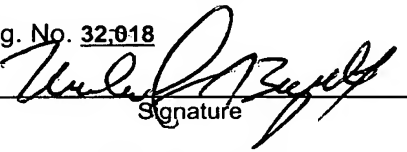
expires for failure to pay a maintenance fee;  
is held unenforceable;  
is found invalid by a court of competent jurisdiction;  
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;  
has all claims canceled by a reexamination certificate;  
is reissued; or  
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2. ☒ The undersigned is an attorney of record. Reg. No. 32,018

  
\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Michael J. Bujold  
Typed or printed name

\_\_\_\_\_  
October 11, 2005

Telephone No.: **603-624-9220**

- ☒ Terminal disclaimer fee of **US\$130** under 37 CFR 1.20(d) included.

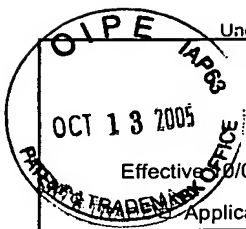
\* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. § 122 and 37 CFR § 1.11 & § 1.14. This collection is estimated to take 12 minutes to complete, including gathering preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

10/14/2005 EFLORES 00000044 10782046

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130.00 OP



## FEE TRANSMITTAL

for FY 2005

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT: \$130

## Complete if Known

Application No.  
Filing Date  
First Named Inventor  
Examiner Name  
Group Art Unit10/782,046  
February 19, 2004  
Markus HENNEKEN et al.  
Roger PANG  
3681

Attorney Docket No.

ZAHFRI P441USD1

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

## Deposit Account:

Deposit Account Number: 04-0213

Deposit Account Name: DAVIS &amp; BUJOLD, P.L.L.C.

The Director is authorized to: (check all that apply)

- ☐
- Charge fee(s) indicated below
- ☒
- Credit any overpayments
- 
- ☐
- Charge any additional fee(s) during the pendency of this application
- 
- ☐
- Charge fee(s) indicated below, except for the filing fee to the above-identified account.

## FEE CALCULATION

## 1. FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1011	1000	2011	500	Utility filing fee	
1012	430	2012	215	Design filing fee	
1013	660	2013	330	Plant filing fee	
1014	1400	2014	700	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	
SUBTOTAL (1)					\$-0-

## 2. CLAIMS

	Extra	Fee From Below	Fee Paid
Total Claims	-20*	= \$ 50 (\$ 25) x	=
Ind. Claims	- 3	= \$200 (\$100) x	=
Multiple Dependent	=	= \$360 (\$180) x	=

\*\* or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim
1204	200	2204	100	**Reissue independent claims over original patent
1205	50	2205	25	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				\$-0-

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge-late filing fee/oath	
1052	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for re-examination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Ext.for reply w/in 1 mon	
1252	450	2252	225	Ext.for reply w/in 2 mon	
1253	1,020	2253	510	Ext.for reply w/in 3 mon	
1254	1,590	2254	795	Ext.for reply w/in 4 mon	
1255	2,160	2255	1,080	Ext.for reply w/in 5 mon	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a Brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (for reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1807	50	1807	50	Petition related to provisional applns.	
1806	180	1806	180	Submission of Info.Disclo.Stmt.	
8021	40	8021	40	Recording ea. patent assignment per property (times No.of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For ea.additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Cont.Exam.(RCE)	
1802	900	1802	900	Request for expedited examination of a design appln	

Other fee (specify) #1814 Terminal Disclaimer ..... \$130  
\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) \$130

## SUBMITTED BY

## Completed (if applicable)

Typed or Printed Name

Michael J. BUJOLD

Registration No.

32,018

Telephone (603) 624-9220

Deposit Acct. No.

04-0213

Fax: (603) 624-9229

Signature

Date: October 11, 2005